

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

May 3, 2004

GSBCA 16335-RELO

In the Matter of ANDREW K. MOGHRABI

Andrew K. Moghrabi, San Francisco, CA, Claimant.

Shirley L. Autry, Deputy Director, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

GOODMAN, Board Judge.

Claimant, Andrew K. Moghrabi, is a civilian employee of the United States Army Corps of Engineers. He requests that this Board review the agency's denial of reimbursement of certain expenses incurred during his permanent change of station (PCS).

Factual Background

Claimant received travel orders in July 2003, to relocate from Portland, Oregon, to San Francisco, California. He states that he had been notified the previous month of his pending relocation and was planning to take a househunting trip (HHT) to his new duty station. However, when claimant received his travel orders, his new supervisor demanded that he report for duty immediately. Claimant's travel orders authorized reimbursement for round-trip travel for a HHT and reimbursement for sixty days of temporary quarters subsistence expenses calculated by the actual expense method (TQSE(AE)). Claimant states:

Based on this exigency and for the convenience of the government, I was denied a house-hunting trip and I traveled to San Francisco on the weekend 26-27 July, checked in a hotel and reported promptly on Monday 28 July. I had no choice but to stay in the hotel while looking for a place to live. I incurred cost beyond the allowable limit of \$85 per day as my hotel cost was \$138.50 per day.

Claimant submitted a travel voucher which requested reimbursement of his actual lodging expenses and meal expenses. The agency denied reimbursement of \$2621.56, the amount which exceeded the regulatory allowance for TQSE(AE). Claimant seeks reimbursement of the disallowed amount.

Discussion

Claimant was authorized a househunting trip and the maximum of 60 days TQSE but was ordered to accomplish his new PCS without the opportunity to take the househunting trip. He lodged in a hotel for the sixty days authorized. He was reimbursed by the agency the maximum amount allowable by regulation, and was denied the remainder of his actual expenses incurred. Claimant asserts he had no choice but to stay in the hotel and incur the expenses he incurred.

The Joint Travel Regulations (JTR) applicable to claimant state that temporary quarters subsistence expense (actual method) is a discretionary allowance . . . that is intended to reimburse employees for reasonable subsistence expenses incurred when they and/or their dependents must occupy temporary quarters. JTR C13200 (May 2003). The JTR states further:

TQSE(AE) is an actual expense allowance based on: . . . the \$85 Standard CONUS per diem rate for temporary quarters occupied in all CONUS localities, or . . . the PDS locality (not the lodging location) per diem rate . . . for temporary quarters occupied in OCONUS localities.

JTR C13205.

As the TQSE(AE) allowance is based on specific per diem rates, it will not compensate the employee for all actual expenses incurred if the employee's expenses exceed the amount allowed.

With regard to the HHT, the authority to provide an employee and/or spouse a trip at Government expense to a new PDS to find a permanent residence prior to transfer is a management tool. Its purpose is to lower the Government's overall PCS costs by reducing the time an employee would otherwise occupy temporary quarters. JTR C4107. Claimant's inability to accomplish an HHT did not create entitlement to reimbursement for TQSE expenses in excess of the regulatory limit. In fact, had claimant accomplished an HHT, his entitlement to TQSE would have been reduced by the number of days he was reimbursed for the HHT. JTR C13225-A.1 (May 2003)

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge